

Regular Session, 2010

HOUSE BILL NO. 1325

BY REPRESENTATIVE RICHMOND

LIABILITY/TORTS: Provides a limitation of liability for any entity contracted to manage or operate the Regional Transit Authority

1 AN ACT

2 To amend and reenact R.S. 48:1656(23), relative to the Regional Transit Authority; to
3 provide for the general powers of the Regional Transit Authority; to provide a
4 limitation of liability to certain entities; to provide for definitions; and to provide for
5 related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 48:1656(23) is hereby amended and reenacted to read as follows:

11 §1656. General powers

12 The authority shall have all powers necessary or convenient to accomplish
13 the aforesaid purposes, including but not limited to the following:

14 * * *

15 (23) Notwithstanding the provisions of any other law to the contrary,
16 including the provisions of R.S. 45:161 et seq., the authority created herein and any
17 entity contracted to manage or operate the authority shall not be deemed a "person"
18 as defined in ~~R.S. 45:162(12)~~ R.S. 45:162(15) or a "common carrier" as defined in
19 R.S. 45:162(5) nor shall the authority or any entity contracted to manage or operate
20 the authority be construed or interpreted to be such. Additionally, the authority and

- 1 any entity contracted to manage or operate the authority shall not be deemed to be
2 a common carrier, or interpreted to be such by any court of this state in a suit for
3 personal injury or property damage.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richmond

HB No. 1325

Abstract: Provides a limitation of liability for any entity contracted to manage or operate the Regional Transit Authority.

Present law provides a limitation of liability for the Regional Transit Authority (RTA) by providing that the RTA shall not be deemed a "person" or a "common carrier", each as defined in present law, and provides that the authority shall not be deemed to be a common carrier by any court of this state in a suit for personal injury or property damage.

Present law (R.S. 45:162(5)) defines "common carrier" as:

- (1) A "common carrier by motor vehicle" which means any person, other than a contract carrier by bus, the essential nature of whose business comprises engaging in, soliciting, or accepting household goods, passengers, or waste, for intrastate transportation for hire, charge, or compensation as an employment or holding himself out as so available to the public generally and indiscriminately for such business, whether or not the business is conducted over a regular route, between fixed termini, within a defined area, or upon a regular or irregular schedule.
- (2) Two main classes of common carriers: "common carriers of commodities over regular routes"; and "common carriers of special commodities over irregular routes".
- (3) A "common carrier of special commodities over irregular routes" which means any person, as a common carrier, transporting commodities intrastate which requires special equipment, service, or handling over irregular routes and not between fixed termini.

Present law provides that the definition of "common carrier" shall not apply to the business of any person conducted mainly within the corporate limits of one incorporated municipality but within a radius of seven miles of the limits of the incorporated municipality. This exemption shall not apply to motor carriers of passengers operating beyond the limits of the parish of their domicile unless the major portion of such carrier's operations are conducted within the corporate limits of one municipality.

Present law provides that the definition of "common carrier" shall not include a bus or passenger coach or passenger carrying trailer or semitrailer operated wholly within the corporate limits of an incorporated municipality or parish and also operated within seven miles of the corporate limits thereof, pursuant to a franchise granted by the municipality or parish.

Present law (R.S. 45:162(15)) defines "person" as including a body of persons, whether incorporated or not.

Proposed law extends present law to include any entity contracted to manage or operate the RTA for purposes of liability.

(Amends R.S. 48:1656(23))